



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ESSEX INSURANCE COMPANY
a Virginia Corporation

Plaintiff,

CASE NO: 11-CV-12293

v.

Hon. Robert H. Cleland

XTREME FITNESS, INC., d/b/a
XTREME FITNESS STERLING
HEIGHTS, MI, a Michigan Corporation,
and FRANK ALBERT ALAMPI, a
Michigan resident,

Defendants

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DEFAULT JUDGMENT ORDER

THIS DAY CAME Plaintiff, ESSEX INSURANCE COMPANY (the "Plaintiff" or "ESSEX"), by and through its attorneys, LeClairRyan, pursuant to its Motion for Entry of Judgment By Default against the defendant, XTREME FITNESS, INC., d/b/a XTREME FITNESS STERLING HEIGHTS, MI, a Michigan Corporation (the "Defendant" or

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“XTREME”) in accordance with Rule 55 of the Federal Rules of Civil Procedure, and upon consideration of the pleadings, the evidence presented, and the arguments of counsel;

THE COURT HEREBY FINDS that proper service of process was made on defendant XTREME via personal service on June 8, 2011 pursuant to Rule 4(h) of the Federal Rules of Civil Procedure; that the time for the filing of responsive pleadings has elapsed, and that XTREME has failed to file any pleading, that XTREME is in default; and, that ESSEX is entitled to the relief prayed for in the Complaint;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that judgment be, and hereby is, awarded in favor of ESSEX INSURANCE COMPANY, and against XTREME FITNESS, INC., d/b/a XTREME FITNESS STERLING HEIGHTS, MI, a Michigan Corporation, as follows:

THERE IS HEREBY ENTERED a declaratory judgment providing that ESSEX has no duty to defend or indemnify XTREME with regard to any claims or lawsuits that have or will arise out of the accident that occurred on June 23, 2008, involving FRANK ALBERT ALAMPI (“ALAMPI”); and there is no insurance coverage for ALAMPI’s claims of damages as a result of the injuries that are claimed to have occurred at the XTREME facility on June 23, 2008.

Entered this 17th day of Feb., 2012.



HON ROBERT H. CLELAND